

SO ORDERED: August 15, 2022.




Jeffrey J. Graham
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
Indianapolis Division**

In re:

Allen David Freeman,
Démona Ann Freeman,

Case No. 12-04713-JJG-13

Debtors.

Chapter 13

Démona Freeman,

Plaintiff,

v.

Adversary No. 21-50006

PHH Mortgage f/k/a Ocwen Loan
Servicing, LLC, and Ocwen Financial
Corporation,

Defendants.

**ORDER GRANTING PHH MORTGAGE CORPORATION'S
MOTION FOR PROTECTIVE ORDER (DOC. 21)**

THIS MATTER comes before the Court on PHH Mortgage's Motion for Protective Order regarding deposition topics noticed in a 30(b)(6) deposition notice served by Plaintiff Demona Freeman ("Plaintiff"). On August 1, 2022, the Court held a hearing on Defendant PHH Mortgage's Motion for Protective Order. The Court overruled Plaintiff's objection to the Motion as moot, and granted the Motion for Protective Order as modified by the Court during the hearing. *See* August 1, 2022 Hearing Transcript [hereinafter Hearing Tr.] at 54:1-2. The rulings, modifications, concessions, and agreements made during the hearing are as follows:

1. The Court found that nothing from "2012 through anything early 2017 is relevant to the claims at hand," and found that "anything before [November 2017] gets to pre-petition conduct," which would not "inform [the Court] with respect to the particular action of Ms. Freeman." *Id.* at 18:20-25; 20:3-8.

2. On this basis, the Court limited Topic 8 & 9 to "November 2017 onward." *Id.* at 20:3-5.

3. Similarly, the Court limited Topic 11 to a time frame of November 2017 forward and limited it to "what happened to Ms. Freeman, what flags [were on her account], what should have been on [Ms. Freeman's account], and who has authority to do them." *Id.* at 26:21-25; 27:3-6.

4. Based on the Court's ruling as to the relevant time frame, Plaintiff withdrew Topics 12 & 13, *id.* at 36:4-5, and also withdrew Topics 15 & 16, *id.* at 37:23-25; 38:7-8.

5. With respect to Topic 17, the Court granted the protective order "as to anything prior to [November 2017]," and allowed the Topic insofar as it sought information after November 2017. *Id.* at 34:8-10.

6. Defendant agreed to make a witness available to discuss Topic 18. *Id.* at 41:15-16.

7. Plaintiff withdrew Topics 19, *id.* at 42:8-14, and Topics 20, 21, 22, and 23, *id.* at 46:23-25.

8. Topic 24 was also withdrawn based upon “previous positions of the Court.” *Id.* at 50:20-25.

9. The Parties agreed to limit Topic 25 to the current net worth of Ocwen Loan Servicing, LLC. *Id.* at 4:7-12

10. Topics 26 & 27 were withdrawn in Plaintiff’s Opposition to the Motion for Protective Order. *Id.* at 52:17-25.

Accordingly, for the reasons stated above and on the record during the hearing, Defendant PHH Mortgage’s Motion for Protective Order **IS HEREBY GRANTED**, as modified by the Court during the hearing, and Plaintiff’s objection to the Motion is **OVERRULED AS MOOT**.

IT IS FURTHER ORDERED that, as a result of the hearing, the Court’s rulings, and the agreements by the Parties, Topics 8, 9, and 11 are limited in accordance with the Court’s rulings as described above; Topic 18 is allowed; Topics 12, 13, 15, 16, 19, 20, 21, 22, 23, 24, 26, and 27 are withdrawn; and Topic 25 is limited by agreement of the Parties as described above.

IT IS SO ORDERED.

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